

MORGANTOWN BOARD OF ZONING APPEALS

MINUTES

June 25, 2007

6:30P.M.

City Council Chambers

Members Present: Bernie Bossio, Mark Furfari (arrived late), and Jim Shaffer

Members Absent: Nick Iannone

Staff Present: Christopher Fletcher, Planning Director

MATTERS OF BUSINESS:

- A. A motion was made and seconded to approve the Minutes of April 18, 2007. Motion carried unanimously.
- B. Minutes of May 2007 were postponed until July.

OLD BUSINESS:

NONE

NEW BUSINESS:

- A. **CU07-08 / Darr / 236 Cobun Avenue:** Request by Margaret Darr for conditional use approval of a "Bed and Breakfast Inn" use in an R-1A District for property located at 236 Cobun Avenue Drive. Tax Map #29 Parcels #372-373; an R-1A, Single-family Residential District.

A motion was made and seconded the request to the July meeting. Motion carried unanimously.

- B. **V07-11 / West Virginia University Alumni Association:** Request by West Virginia University Alumni Association for variance approval under the Planning & Zoning Code 1365.04 (G) to exceed the maximum parking requirement. Tax Map #6, Parcel # 74 (the portion of realty affected by the proposed zoning map amendment is illustrated on Tax Map 11).

A motion was made to table due the applicants not being present, seconded by Furfari. Motion carries unanimously.

- C. **V07-12 / Moser Investments, LLC / Beechurst Avenue:** Request by Moser Investments, LLC for variance approval under the Planning & Zoning Code 1361.03 (I) for relief from recessing floors above 4 stories 12' from build-to line at property located on Beechurst Avenue. Tax Map #19 Parcels #111-115; a B-2, Service Business District, Sunnyside South Overlay District, and Beechurst Corridor Overlay District.

Fletcher advised the following staff report would cover all remaining agenda items as they pertain to this project.

Fletcher read the background information which stated the highlights of the proposed development program and listed the variance approvals required for the proposal development.

Joseph Moser, 3861 Stewartstown Road, discussed the changes from the initial plans for the apartments and commercial to the current requests that would combine the projects.

Bossio called for public comments.

There being none, the public portion was closed.

Shaffer asked for clarification of where the parking area would be in relation to the liquor store.

Moser explained the need for an entrance off of Beechurst due to the traffic on Third Street.

Shaffer asked for more information on the construction materials.

Moser explained gave a description on the building materials.

Shaffer asked about the ratio between the retail and living areas.

Moser explained the design of the building does not allow for windows in the rear of the building so it would be used for the retail and apartments would be used in the front to meet fire regulations.

Bossio asked about the liquor license.

Moser advised the process and plan for the business.

Shaffer asked the depth of the planting.

Fletcher stated the planters are 15 feet.

Bossio asked if there was a reason.

Moser stated that it is due to the potential expansion on Beechurst Avenue.

Members discussed the entries for the floors, planned railings, and railing materials.

Bossio asked about not recessing the floor.

Moser stated that it would cut back the square footage inside and affects the units.

Furfari asked about the frontage requirements.

Fletcher gave the requirements and added that the proposed construction would allow, if the need would arise, to use the ground floor area fronting Beechurst Avenue as commercial or retail space.

Shaffer stated that the proposal needed numerous variances.

Fletcher read the staff recommendations from the Planning Department as the redesigned development program for the subject property has been significantly enhanced by:

- Incorporating desired land uses, densities, development objectives envisioned in the “Sunnyside Up Comprehensive Revitalization Plan”
- Relocating the building to the front of the property
- Relocating a majority of the parking to the rear of the property
- Improving pedestrian and vehicular circulation in and around the development site
- Removing the Planning Commission’s previously required large retaining wall along Beechurst Avenue
- Removing the existing commercial structure and incorporating the use into the principle structure

The petitioner met with the Technical Review Committee on May 22nd and has incorporated all suggested modifications. A memorandum from the City Engineer is attached hereto that addresses improved access management issues.

Fletcher continued reading the Staff concurs with the applicant’s findings of fact and recommends approval of each of the six (6) variance petitions with the following conditions:

1. That the petitioner obtains DSI Site Plan approval by the Planning Commission.
2. That the petitioners obtain Minor Subdivision approval by the Planning Commission.
3. That structural measures be incorporated in the first story façade that permit conversion of the proposed residential use to storefront commercial space at a later time. As a part of the petitioner’s building permit application, a letter must be submitted by a licensed design professional to the Planning Director that demonstrates what design and construction measures will be incorporated to meet this condition.

Motion by Furfari to accept all findings of fact presented on V07-12, second by Shaffer. Motion carried unanimously.

Motion by Shaffer to give approval for V07-12 with conditions, second by Furfari. Motion carried unanimously.

Motion by Furfari to move to V07-15 next on the agenda, second by Shaffer. Motion carried unanimously.

D. V07-15 / Moser Investments, LLC / Beechurst Avenue: Request by Moser Investments, LLC for variance approval under the Planning & Zoning Code 1361.03 (Q) *Street Hierarchies and Land Use* § (1) for relief from the exclusion of residential uses on the ground floor enfronting the primary street at property located on Beechurst Avenue. Tax Map #19 Parcels #111-115; a B-2, Service Business District, Sunnyside South Overlay District, and Beechurst Corridor Overlay District.

Shaffer made a motion to dispense with the staff report due to it being repeated for each item, second by Furfari. Motion carried unanimously.

Bossio called for public comment. There being none, the public portion was closed.

Shaffer made a motion to find in the positive on the findings of facts on V07-15 as presented, second by Furfari. Motion carried unanimously.

Furfari made a motion to accept with the conditions, second by Shaffer. Motion carried unanimously.

- E. V07-13 / Moser Investments, LLC / Beechurst Avenue:** Request by Moser Investments, LLC for variance approval under the Planning & Zoning Code 1361.03 (O) *Building Form and Scale* § (1) for relief from 50% total fenestration for building facades facing primary streets; § (4) for relief from vertical articulation of windows along primary street; and, § (6) for relief from recessing windows in building's primary façade at property located on Beechurst Avenue. Tax Map #19 Parcels #111-115; a B-2, Service Business District, Sunnyside South Overlay District, and Beechurst Corridor Overlay District.

Bossio called for public comment. There being none, the public portion was closed.

Shaffer made a motion to find in the positive on the findings of facts on V07-13, second by Furfari. Motion carried unanimously.

Furfari made a motion to approve with conditions V07-13, second by Shaffer. Motion carried unanimously.

- F. V07-14 / Moser Investments, LLC / Beechurst Avenue:** Request by Moser Investments, LLC for variance approval under the Planning & Zoning Code Variance 1361.03 (P) *Building Materials* § (1) for relief from the use of natural materials so that imitation dry-stack stone may be used instead on the first two floors and cement fiber siding (i.e. "Hardy Plank") may be used on the remaining front façade; and, § (2) relief from the exclusion of composite materials so that cement fiber siding (i.e. "Hardy Plank") may be used at property located on Beechurst Avenue. Tax Map #19 Parcels #111-115; a B-2, Service Business District, Sunnyside South Overlay District, and Beechurst Corridor Overlay District.

Furfari asked for a clarification on the natural materials.

Fletcher read the related section of the Planning & Zoning Code and advised the Planning Department's intent to propose text amendments in the future that would include the subject cladding materials.

Bossio called for public comment. There being none, the public portion was closed

Shaffer made a motion to find in the positive on the findings of facts as submitted on V07-14 as presented, second by Furfari. Motion carried unanimously.

Furfari made a motion to grant approval for V07-14 with the conditions, second by Shaffer. Motion carried unanimously.

- G. V07-16 / Moser Investments, LLC / Beechurst Avenue:** Request by Moser Investments, LLC for variance approval under the Planning & Zoning Code 1361.04 (A) (3) for 14' variance relief from the minimum 20' rear yard setback between proposed

building and paper alley at property located on Beechurst Avenue. Tax Map #19 Parcels #111-115; a B-2, Service Business District, Sunnyside South Overlay District, and Beechurst Corridor Overlay District.

Bossio called for public comment. There being none, the public portion was closed.

Furfari made a motion to find in the positive on the findings of facts on V07-16 as presented, second by Shaffer. Motion carried unanimously.

Shaffer made a motion to approve the request of V07-16 with the conditions, second by Furfari. Motion carried unanimously.

H. V07-17 / Moser Investments, LLC / Beechurst Avenue: Request by Moser Investments, LLC for variance approval under the Planning & Zoning Code 1347.04 (B) *Minimum Setback for Accessory Structures* for 10' variance relief from the minimum 10' rear yard setback for a parking deck structure at property located on Beechurst Avenue. Tax Map #19 Parcels #111-115; a B-2, Service Business District, Sunnyside South Overlay District, and Beechurst Corridor Overlay District.

Fletcher explained the area where the parking decks would be located and explained the setbacks for an accessory structure.

Bossio called for public comment. There being none, the public portion was closed.

Shaffer made a motion to find in the positive on the findings of facts on V07-17 as presented, second by Furfari. Motion carried unanimously.

Furfari made a motion to allow the variance with the conditions for V07-17, second by Shaffer. Motion carried unanimously.

Bossio read and advised the disclaimer would apply to each of the items on the agenda.

OTHER BUSINESS:

No public comments.

Bossio stated that Lisa Mardis is in the hospital but is doing fine.

Furfari asked about the status of Mr. Rockis' position.

Fletcher shared that the City Manager expects the vacancy to be filled in July. Fletcher also noted that City Council will be recognizing Mr. Rockis' years of service.

ADJOURNMENT: 7:32 P.M.